



UNITED STATES GOVERNMENT
NATIONAL LABOR RELATIONS BOARD
FREEDOM OF INFORMATION ACT BRANCH
Washington, D.C. 20570

Via email

April 22, 2019

Beryl Lipton
MuckRock News
DEPT MR 70937
411A Highland Avenue
Somerville, MA 02144

Re: FOIA Case No. NLRB-2019-000605

Dear Ms. Lipton:

This is in response to your request, under the Freedom of Information Act (FOIA), 5 U.S.C. § 552, received in this Office on March 25, 2019, in which you seek the following records:

1. For years 2017, 2018, and 2019, all budget materials or plans applicable to offices responsible for processing and responding to FOIA requests and appeals.
2. For years 2017, 2018, and 2019 staffing reports and plans, including the count of the employees; preferably in a form that includes the total number of hours worked by FOIA personnel, by month; and the email address and phone number of the FOIA Officer.
3. For years 2017 and 2018, the designated fee category assigned to each FOIA requester, including commercial, educational, media, and other. If the information is kept in the aggregate, a copy of the report reflecting the number of requesters by fee category by year will suffice.
4. For years 2017 and 2018, the number of fee waivers granted, including the tracking numbers for each request in which a fee waiver was granted.
5. For years 2017 and 2018, any report capturing the following: a) total estimated processing and copy fees quoted; and b) total processing and copy fees collected from each fee category. If the information is kept in aggregate form, a log containing the FOIA tracking number, fee

category, fees associated with the processing of the request, and status of payment, would satisfy items 3 and 4.

For purpose of assessing fees, you asked to be granted status as a media requester.

We acknowledged your request on March 25, 2019.

Pursuant to the FOIA, a reasonable search of the Agency's FOIA Processing system FOIAonline was conducted. In addition, other searches were conducted by staff in the Agency's Human Resource Office and the Office of the Chief Financial Officer, and inquiries were made to the FOIAonline Program Manager. These searches yielded 37 pages of responsive records which are attached. Your request is granted in full.

Specifically, with regard to each item outlined above, the following searches were conducted.

1. Budget materials: The Agency's budget materials for Fiscal Years 2017 and 2018 are contained in the Agency's Annual FOIA Report, which is available on the Agency's website at www.nlr.gov. For your convenience, copies of the 2017 and 2018 annual reports are attached. A search conducted by staff in the Office of the Chief Financial Officer yielded budget material for Fiscal Year 2019.
2. Staffing materials: In addition to staffing reports contained in the Agency's Annual FOIA Report, which includes the email address and phone number for the FOIA Officer, a search by staff in the Office of Human Resources yielded reports reflecting the number of Agency employees by month. A report listing the hours worked by FOIA personnel by month is not available. However, unless otherwise noted on the attached staffing report, the Agency's FOIA staff perform FOIA duties full-time.
3. Fee Categories: Inquiries were made to the FOIAonline Program Manager. This inquiry resulted in a report listing the number of requesters by fee category for Fiscal Years 2017 and 2018.
4. Fee Waivers: A search conducted in FOIAonline yielded a report listing, by tracking number, the requests in which fee waivers were granted for Fiscal Years 2017 and 2018.
5. Copy Fees: Other than the information provided in the annual reports referenced above, and the reports provided in response to items 3 and 4, the Agency does not track estimated or quoted processing fees.

For the purpose of assessing fees, we have placed you in Category C, as a representative of the news media, in that you qualify as a person “actively gathering news for an entity that is organized and operated to publish or broadcast news to the public.” NLRB Rules and Regulations, 29 C.F.R. § 102.117(d)(1)(vii). Accordingly, there is no charge assessed for this request.

You may contact Rosetta Lane, the FOIA Attorney-Advisor, who processed your request, at (202) 568-3526, or by email at rosetta.lane@nrlb.gov, as well as the Agency’s FOIA Public Liaison, Patricia A. Weth, for any further assistance and/or to discuss any aspect of your request. The FOIA Public Liaison, in addition to the FOIA Specialist or Attorney-Advisor, can further explain responsive and releasable agency records, suggest agency offices that may have responsive records, and/or discuss how to narrow the scope of a request in order to minimize fees and processing times. The contact information for the Agency’s FOIA Public Liaison is:

Patricia A. Weth
FOIA Public Liaison
National Labor Relations Board
1015 Half Street, S.E., 4th Floor
Washington, D.C. 20570
Email: FOIAPublicLiaison@nrlb.gov
Telephone: (202) 273-0902
Fax: (202) 273-FOIA (3642)

After first contacting the Agency, you may additionally contact the Office of Government Information Services (OGIS) at the National Archives and Records Administration to inquire about the FOIA dispute resolution services it offers. The contact information for OGIS is:

Office of Government Information Services
National Archives and Records Administration
8601 Adelphi Road-OGIS
College Park, Maryland 20740-6001
Email: ogis@nara.gov
Telephone: (202) 741-5770
Toll free: (877) 684-6448
Fax: (202) 741-5769

You may obtain a review of this determination under the NLRB Rules and Regulations, 29 C.F.R. § 102.117(c)(2)(v), by filing an administrative appeal with the Division of Legal Counsel (DLC) through FOIAonline at:
<https://foiaonline.gov/foiaonline/action/public/home>
or by mail or email at:

Beryl Lipton
April 22, 2019
Page 4

Chief FOIA Officer
National Labor Relations Board
1015 Half Street, S.E., 4th Floor
Washington, D.C. 20570
Email: DLCFOIAAppeal@nllrb.gov

Any appeal must be postmarked or electronically submitted within 90 days of the date of this letter, such period beginning to run on the calendar day after the date of this letter. Any appeal should contain a complete statement of the reasons upon which it is based.

Please be advised that contacting any Agency official (including the FOIA Specialist, Attorney-Advisor, FOIA Officer, or the FOIA Public Liaison) and/or OGIS does not stop the 90-day appeal clock and is not an alternative or substitute for filing an administrative appeal.

Sincerely,

/s/ *Synta E. Keeling*

Freedom of Information Act Officer

Attachment: (37 pages)